

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, MARCH 8, 2012**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Povall, J. Kirkham; Chairman
Chaney, Mike; Commissioner, MS Insurance Department
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch, State
Treasury
Kelsey, Christina; Representing Commissioner Mike Chaney, MS Insurance Department
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration
Younger, Jr., James W.; Representing Commissioner Albert Santa Cruz, MS Department
of Public Safety

Also present were:

Donaldson, Bruce; Tort Claims Board
Flicker, Grace; Institutions of Higher Learning
Jackson, Laura, Cannon Cochran Management Services, Inc.
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Thornton, Tenny; Tort Claims Board
Wilson, Jeff; Trinity Capital
Woodcock, J. D. "Woody"; Attorney General's Office
Wray, Rita; Department of Finance and Administration

Motion was made by Mr. Upchurch to approve the minutes of the January 12, 2012, meeting. Mrs. Jackson, representing Treasurer Lynn Fitch, seconded the motion, which passed unanimously.

There was no Old Business.

Under New Business, Mrs. McElroy reviewed a legislative summary for Board members detailing three (3) bills referencing the Tort Claims Act. She will continue to monitor and keep the members updated.

Next, Mr. Logan presented the financial report through February 29, 2012. He reported assessment receipts of \$4,186,972 and total expenditures of \$3,511,640. Mr. Logan advised that

the fund has \$14.2 million cash on hand, \$6.4 million reserves, and \$7.8 million unencumbered cash. Claim payments to date total \$1,107,345; legal expenses total \$687,316. The average claim paid is \$2,142, with an average reserve of \$10,304. He reviewed the Budget Comparison Report and noted that the total percent of the budget expended is 25.8 percent.

Mr. Wilson reviewed the February 2012 portfolio highlights. The total portfolio of \$8.9 million earned 1.3 percent for the fiscal year to date. Mr. Wilson is still projecting a rate of return of 2.25 for the year.

Mr. Milner reported on Loss Control activities since the last Board meeting. Mr. Upchurch inquired about the letter to the Department of Agriculture and Commerce regarding the Fairgrounds. Mr. Milner reported on some of his findings during the joint inspection with the State Fire Marshals. Staff will continue to work with Commissioner Hyde-Smith and the Fair Commission staff to rectify the items noted.

There was no Attorney General's Report.

Mrs. McElroy presented a list of 47 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Upchurch made a motion to approve the list, and Mrs. Jackson seconded the motion, which passed by unanimous vote.

There was no Claims Report.

Commissioner Chaney entered the meeting.

There being no further business to come before the Board, the meeting was adjourned.

J. KIRKHAM POVALL, CHAIRMAN



MIKE CHANEY, BOARD MEMBER

TRUDY FISHER, BOARD MEMBER

Lynn Fitch, Deputy
LYNN FITCH, BOARD MEMBER

JIM HOOD, BOARD MEMBER

Albert Santa Cruz
ALBERT SANTA CRUZ, BOARD MEMBER
by James W. Hood

Kevin J. Upchurch
KEVIN J. UPCHURCH, BOARD MEMBER

Mississippi Tort Claims Board
Thursday, March 8, 2012 - 1:30 P.M.

AGENDA

- I.** Approval of Minutes
 A. January 12, 2012

- II.** Old Business

- III.** New Business
 A. Legislative Update

- IV.** Financial Reports
 A. Financial Report - Jim Logan
 B. Investment Report - Jeff Wilson

- V.** Loss Control - Steven Milner

- VI.** Attorney General's Report - Lea Ann McElroy

- VII.** Certificates of Coverage - Lea Ann McElroy

- VIII.** Claims Report - None

- IX.** Adjournment

Next meeting date and time: May 10, 2012 - 1:30 PM
Meeting Place: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, JANUARY 12, 2012**

The Mississippi Tort Claims Board (Board) meeting was held at 2:00 p.m. in Room 117, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Lanford, Mike; Acting Chairman; Deputy Attorney General, Representing Attorney
General Jim Hood
Chaney, Mike; Commissioner, MS Insurance Department
Fisher, Trudy; Executive Director, MS Department of Environmental Quality
Fitch, Lynn; Treasurer, State Treasury

Also present were:

Donaldson, Bruce; Tort Claims Board
Jackson, Laura; Cannon Cochran Management Services, Inc.
Jackson, Laura; State Treasury
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Washington, Diedra; Tort Claims Board
Wilson, Jeff; Trinity Capital
Woodcock, J. D. "Woody"; Attorney General's Office
Wray, Rita; Department of Finance and Administration
Younger, Jim; Department of Public Safety

Motion was made by Mrs. Fisher to approve the minutes of the November 10, 2011, meeting as amended to reflect attendance of Insurance Commissioner Mike Chaney. Commissioner Chaney seconded the motion, which passed unanimously.

There was no Old Business.

Under New Business, Mrs. McElroy welcomed State Treasurer Lynn Fitch and Deputy State Treasurer Laura Jackson.

Mr. Jim Logan presented the financial report through December 31, 2011. He reported assessment receipts of \$3,471,354 and total expenditures of \$2,544,337. Mr. Logan advised that the fund has \$14.1 million cash on hand, \$6.7 million reserves, and \$7.4 million unencumbered cash. Claim payments to-date total \$738,710; legal expenses total \$534,378; other claim-related expenses total \$15,674. The average claim paid is \$1,675 with an average reserve of \$10,239. He reviewed the Budget Comparison Report and noted that the contractual budget expenditures

are only 16.44% because funds must be budgeted to encumber the legal contracts with our defense attorneys, however, actual legal expenses remain lower than the total contract value.

Mr. Jeff Wilson reviewed the December 2011 portfolio highlights. The total portfolio of \$8.9 million earned just over 1% through the first half of the fiscal year. Mr. Wilson is projecting a rate of return of 2.25 for the year.

In Mr. Milner's absence, Mrs. McElroy noted his report in the Board meeting materials, and briefly shared his work for the Governor's Inauguration.

There was no Attorney General's Report. Commissioner Chaney inquired about monitoring the attorneys on the approved Attorney Register to ensure consistent interpretation. At the present time, this is handled through the combined efforts of Mr. Lanford, Mr. Woodcock, and Mr. Donaldson.

Mrs. McElroy presented a list of 47 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Fitch made a motion to approve the list and Mrs. Fisher seconded the motion, which passed by unanimous vote.

Mr. Donaldson presented a report and settlement recommendation in the case of Doris Kenny Ware v. Mississippi Department of Transportation. The facts of the case were presented along with a recommendation to settle the case for \$225,000 from defense attorney Christopher G. Henderson of the Simmons Law Group. Commissioner Chaney inquired about a property claim for the claimant's 18-wheel truck. Mr. Donaldson reported that Lloyds of London covered the truck for the trucking company. We made an offer for 50% of the damages, which was rejected. The statute has now run for any property claim. Mrs. Fisher inquired about the claimant's injuries and actual medical expenses compared to the settlement offer. Mr. Donaldson noted that the claimant has not returned to work and has filed for Social Security Disability. His lost earning capacity has been considered in the settlement. Commissioner Chaney made a motion to approve the settlement offer and Mrs. Fisher seconded the motion. The motion passed by unanimous vote.

There being no further business to come before the Board, the meeting was adjourned.

J. KIRKHAM POVALL, CHAIRMAN

MIKE CHANEY, BOARD MEMBER

TRUDY FISHER, BOARD MEMBER

LYNN FITCH, BOARD MEMBER

JIM HOOD, BOARD MEMBER

ALBERT SANTA CRUZ, BOARD MEMBER

KEVIN J. UPCHURCH, BOARD MEMBER



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
J. KIRKHAM POVALL, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
TRUDY FISHER, Executive Director
Department of Environmental Quality
LYNN FITCH, Treasurer
Department of Treasury

MEMORANDUM

JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

TO: MS Tort Claims Board
FROM: Steve Milner
DATE: March 8, 2012
RE: Loss Control Report

Since the last Board meeting, loss control services for the Tort Claims Board and the state agencies Self-Insured Workers' Compensation Trust include:

- 1 Ride-a-long
- 15 State Property/Lease Property Inspections
- 79 Ergonomic assessments
- 3 Accident Investigations
- 4 Highway Construction Safety Inspections
- 1 Highway Safety Detail Observation
- 1 State Emergency Operations Center (EOC) Meeting
- 1 Safety Planning Meeting
- 3 Safety Meetings

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STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
J. KIRKHAM POVALL, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
TRUDY FISHER, Executive Director
Department of Environmental Quality
LYNN FITCH, Treasurer
Department of Treasury

MEMORANDUM

JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

TO: MS Tort Claims Board
FROM: Lea Ann McElroy
DATE: March 8, 2012
RE: Political Subdivisions - Certificates of Coverage

RECOMMENDATION: Staff recommends approval of
48 political subdivisions shown on attached list

Attachment
3898

MISSISSIPPI TORT CLAIMS BOARD

THURSDAY, MARCH 08, 2012

Political Subdivisions Recommended for Renewal of Certificates of Coverage

Alcorn County Fire Service
Amite County Board of Supervisors
Belden Fire Protection District
Black Lake Drainage District
Clarksdale City Clerk
Clay County Soil & Water Conservation District
Countyline Drainage District
Delta Regional Medical Center
Eden Drainage District
Fifteen Mile Bayou Water Management
Fishing Bayou Drainage District
Gravel Bayou Drainage District
Grenada Separate School District
Issaquena County Board of Supervisors
Jackson County Soil & Water Conservation District
Lawrence County Board of Supervisors
Lawrence County School District
Leake County Soil & Water Conservation District
Lewisburg Volunteer Fire Department
New Africa Drainage District
North Delta Regional Housing Authority
Oak Vale Volunteer Fire Department
Oldham Drainage District
Panola County Fire Service
Pecan Bayou Drainage District
Scott County Soil & Water Conservation District
Second Creek Watershed Drainage District
Sharkey County Board of Supervisors
Sharkey County Soil & Water Conservation District
Sharkey-Issaquena Library Association
Silver Creek Drainage District
Simpson County Fire Service

Singing River Health System
Singing River Health System
Smith County Board of Supervisors
South Madison County Fire Protection District
South Sunflower County Hospital
Southwest Mississippi Mental Health Complex
Southwest Mississippi Regional Medical Center
Straight Bayou Drainage District
Sunflower Drainage District
Tippah River Drainage Commission
Tishomingo County Soil & Water Conservation District
Town Creek Master Water Management District
Tuscumbia Water Management District
West Covington VFD
West Hancock Fire Protection District
West Madison Utility District

TOTAL PRINTED: 48